

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-60 are pending in this case.

Claims 1-60 were rejected in the outstanding Office Action under 35 U.S.C. 102(e) as anticipated by Nicholas (U.S. Patent No. 6,865,719).

Claim 1 is directed to a web page creation apparatus and includes “a Web page creation unit configured to create a **Web page having operation items** based on operation-item display information which is defined based on a device that displays the Web page...the operation items...including at least one of a first **operation item configured to move a file location** and a second **operation item configured to delete a file.**”

The outstanding Office Action asserts Nicholas as teaching every element of Claim 1. Specifically, the outstanding Office Action asserts that the text box containing a message or alert in Nicholas teaches a created Web page as defined by Claim 1. The outstanding Office Action, at page 3, states that the message of Nicholas can be moved, sized, or deleted based on user activity and appears to assert the resizing or deletion of the message of Nicholas as teaching the move and delete file operation items as defined by Claim 1.

However, as recited by Claim 1, the Web page creation unit is configured to “create a **Web page having operations items**...a first **operation item configured to move a file location** and a second **operation item configured to delete a file.**” Thus, if the message of Nicholas is asserted as teaching a created Web page, as defined by Claim 1, then that message must be shown as “**having** operation items...configured to move a file location and...delete a file,” as recited by Claim 1. Instead, in Nicholas, the message *itself* is moved or deleted rather than “**having** operation items...configured to move a file location and...delete a file,” as recited by Claim 1. The language of Claim 1 clearly precludes an

interpretation of Claim 1 wherein “a file location” and “a file” recited by Claim 1 are exactly the same as “the Web page” recited by Claim 1. Therefore, the resizing and deletion of the message of Nicholas does not teach or suggest the operation items as defined by Claim 1.

Because Nicholas does not teach or suggest at least the above-discussed features of Claim 1, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 1 and Claims 2-10 and 60, which depend therefrom, be withdrawn.

Claims 37, 51, and 59, though differing in scope and statutory class, patentably define over Nicholas for substantially the same reasons as Claim 1. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 37, Claims 38-40, which depend therefrom, Claim 51, Claim 52, which depends therefrom, and Claim 59 be withdrawn.

Claim 11 is directed to a Web page creation apparatus and includes:

**a Web page creation unit configured to create a Web page having operation items corresponding to functions of an external device; and**

**an inquiry unit configured to transmit an inquiry about usable functions of the external device to the external device,**

**wherein the Web page creation unit is configured to create the Web page based on both operation-item display information, which indicates the operation items to be displayed and which is defined based on a device that displays the Web page or on a user of the device, and usable function identification information, which is received from the external device in response to the inquiry of the inquiry unit and indicates the usable functions of the external device, so that only the operation items corresponding to the usable functions of the external device are displayed.**

The outstanding Office Action asserts Nicholas as teaching every element of Claim 11. However, at page 5, detailing the rejection of Claim 11, the outstanding Office Action makes no assertion with regard to Nicholas teaching a Web page “**based on...usable function identification information, which is received from the external device,**” as recited by Claim 11, though it cites a paragraph describing a positional identifier for a trailing

message of Nicholas as teaching “an inquiry unit configured to transmit an inquiry about usable functions of the external device to the external device,” as recited by Claim 11. With regard to the recitation in Claim 11 of “the Web page based on...operation-item display information,” the outstanding Office Action again asserts the resizing and deletion of the message of Nicholas itself, which is asserted as teaching the created Web page, as teaching “**a Web page having operation items**,” as defined by Claim 11.

However, the resizing and deletion of the message of Nicholas does not teach or suggest “**a Web page having operation items corresponding to functions of an external device**,” because the resizing or deletion of the message of Nicholas does not teach or suggest “operation items corresponding to **functions of an external device**,” as recited by Claim 11.

Because Nicholas does not teach or suggest a Web page creation apparatus as defined by Claim 11, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 11 and Claims 12-22, which depend therefrom, be withdrawn.

Claims 23, 41, 45, 53, 55, 57, and 58, though differing in scope and statutory class from Claim 11, patentably define over Nicholas for substantially the same reasons as Claim 11. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 23, Claims 24-36, which depend therefrom, Claim 41, Claims 42-44, which depend therefrom, Claim 45, Claims 46-50, which depend therefrom, Claim 53, Claim 54, which depends therefrom, Claim 55, Claim 56, which depends therefrom, Claim 57, and Claim 58 be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



James J. Kujbaski  
Attorney of Record  
Registration No. 34,648

Usha Munukutla-Parker  
Registration No. 61,939

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

I:\ATTY\UMP\25's\251215US\251215us-AMND3.DOC